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TRISH HERREMANS, individually, and on behalf  
of a class of similarly situated individuals

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

TRISH HERREMANS, individually, and  
on behalf of a class of similarly situated  
individuals,

Plaintiff,

v.

BMW OF NORTH AMERICA, LLC,

Defendant.

NO. CV14-2363 MMM(PJWx)

Assigned for All Purposes to  
the Honorable George H. Wu

Date: November 28, 2016  
Time: 8:30 a.m.  
Ct: 10

**NOTICE OF MOTION AND  
MOTION FOR FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT; MEMORANDUM  
OF POINTS AND AUTHORITIES**

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on November 28, 2016, at 10:00 a.m., or as  
soon thereafter as the matter may be heard in Courtroom 10 of the above-entitled



1 Court, located at 312 North Spring Street, Los Angeles, CA 90012, Plaintiff Trish  
2 Herremans ("Plaintiff" or "Herremans") will and hereby do move this Court,  
3 pursuant to Federal Rule of Civil Procedure Rule 23 for an Order finally approving  
4 the class action settlement agreed to by the parties in this matter.

5 This Motion is based upon: (1) this Notice of Motion and Motion; (2) the  
6 attached Memorandum of Points and Authorities in Support of Motion for Final  
7 Approval of Class Action Settlement; (3) the Declaration of Stephen M. Harris; the  
8 Declaration of Jennifer McNulty, the declaration of Ann Haan, the declaration of  
9 Plaintiff; (4) the [Proposed] Order Granting Final Approval of Class Action  
10 Settlement, filed concurrently herewith; (5) the records, pleadings, and papers filed  
11 in this action; and (6) upon such other documentary and oral evidence or argument as  
12 may be presented to the Court at the hearing of this Motion.

13 This motion was not preceded by a meet and confer conference with defense  
14 counsel pursuant to Local Rule 7-3 since Defendant does not oppose the motion.

15 Dated: November 7, 2016

LAW OFFICES OF STEPHEN M. HARRIS,  
P.C.

17  
18  
19 By: /s/ Stephen M. Harris

Stephen M. Harris  
Attorneys for Plaintiff  
TRISH HERREMANS,  
individually, and on behalf of a class  
of similarly situated individuals



## TABLES OF CONTENTS

I. INTRODUCTION .....	4
II. FACTS AND PROCEDURE .....	5
A. Named Plaintiff's Purchase of a Class Vehicle with Water Pump Defect.....	5
B. Class Members Similar Experience.....	6
C. Plaintiff's Allegations in FAC Regarding the Water Pump Defect.....	7
D. The Class Action Complaint Against BMW .....	9
E. The Mediation/Settlement Agreement.....	10
F. Preliminary Approval .....	11
G. Investigation And Discovery .....	11
H. The Settlement .....	13
1. The Settlement Class .....	13
2. The Payment and Reimbursement Schedule .....	14
3. The Notice to the Class and Others of the Settlement .....	14
4. The Release of the Class.....	15
5. Claims Administration/Notice .....	15
III. ARGUMENT .....	16
A. The Court Should Approve The Settlement As Fair, Reasonable And Adequate .....	16
1. The Settlement and the Substantial Benefits It Provides to the Class Support Final Approval.....	18
2. The Risks Inherent In Continued Litigation And Trial Support Final Approval.....	19
3. The Settlement Eliminates Any Risk of Maintaining Class Action Status Throughout the Trial.....	21
4. The Extent of Discovery and the Stage of the Proceedings Favor Settlement Approval. ....	22
5. The Recommendations of Experienced Counsel Favor Approval of the Settlement. ....	22



1	5.	No Attorneys General Object to the	
2	Settlement.	.....	23
3	6.	Class Members' Positive Reaction Supports	
4	Final Approval.....		23
5	IV. CONCLUSION.....		24



### Table Of Cases

1		
2		
3	<i>Acosta v. Trans Union, LLC</i> , 243 F.R.D. 377 (C.D.Cal.2007).....	20
4	<i>American Honda Motor Co., Inc. v. Superior Court</i> , 199 Cal. App. 4th	
	1367 (2011).....	20
5	<i>Browning v. Yahoo!, Inc.</i> , 2007 WL 4105971 (N.D. Cal. Nov. 16, 2007).....	passim
6	<i>Class Plaintiffs v. City of Seattle</i> 955 F.2d 1268 (9th Cir. 1992).....	16
7	<i>Daniel v. Ford Motor Co.</i> , 2013 WL 3146810 (E.D. Cal. June 18 2013).....	17
8	<i>Daugherty v. American Honda Motor Co.</i> , 144 Cal. App. 4th 824 (Cal.	
9	Ct. App. 2006).....	18, 19
10	<i>Edwards v. Ford Motor Co.</i> , 2012 WL 2866424 (S.D Cal. June 12,	
	2012). ....	19
11	<i>Hanlon v. Chrysler Corp.</i> , 150 F.3d 1011 (9th Cir. 2003),.....	15, 18, 21, 22
12	<i>Hartless v. Clorox Co.</i> , 273 F.R.D. 630 (S.D. 2011).....	21
13	<i>Henderson v. Volvo Cars a/North America</i> , Case No. 09-4146-CCCJAD	
14	(D.N. 2012).....	17
15	<i>Hopson v. Hanesbrand Inc.</i> , 2009 WL 928133 (N.D. Cal. 2009).....	17
16	<i>In re Bridgestone/Firestone, Inc.</i> , 288 F.3d 1012 (7th Cir. 2002).....	19
17	<i>In Re General Motors Dex-Cool Products Liability Litigation</i> , 241	
	F.R.D. 305 (S.D.Ill.2007) .....	19
18	<i>In re Netflix Privacy Litig.</i> , 2013 WL 1120801 (N.D. Cal. March 18,	
19	2013) .....	22
20	<i>Marcus v. BMW of N. Am., LLC</i> , 2012 WL 3171560 (3d Cir., August 7,	
	2012) .....	22
21	<i>Mazza v. American Honda Motor Co.</i> , 666 F.3d 581 (9th Cir.2012).....	20
22	<i>Nat'l Rural Telecomms. Coop. v. DIRECTV, Inc.</i> , 221 F.R.D. 5236	
23	(C.D. Cal. 2004).....	16
24	<i>Officers for Justice v. Civil Serv. Comm'n of City &amp; Cnty. of San</i>	
	<i>Francisco</i> , 668 F.2d 615 (9th Cir. 1982) .....	15
25	<i>Samuel-Bassett v. Kia Motors America, Inc.</i> , 34 A.3d 1 (Penn. 2011) .....	17,19
26	<i>Satchell v. Fed: Exp. Corp.</i> , 2007 WL 1114010 (N.D. Cal. Apr. 13,	
27	2007) .....	22
28	<i>Staton v. Boeing</i> , 327 F.3d 938 (9th Cir.2003).....	15



1	<i>United States v. Ford Motor Co.</i> , 421 F. Supp. 1239 (D.D.C. 1976).....	5
2	<i>United States v. General Motors Corp.</i> , 417 F. Supp. 933 (D.D.C. 1976).....	5
3	<i>US. v. General Motors Corp.</i> , 518 F.2d 420 (C.A.D.C. 1975).....	5
4	<b><u>Statutes</u></b>	
5	Federal Rule Civil Procedure 23(e).....	15
6	<b><u>Treatises</u></b>	
7	4 NEWBERG ON CLASS ACTIONS (4th ed.).....	16



## MEMORANDUM OF POINTS AND AUTHORITIES

### I.

#### INTRODUCTION

Herremans brings this action on behalf of a nationwide class of current and former owners and lessees of certain Mini Cooper Vehicles, with a production date from October of 2006 through November of 2012, which were distributed by BMW of North America, LLC ("BMW"). She alleges that defects in the design, manufacture, and assembly of mechanical water pumps installed in the class vehicles resulted in the engine overheating and potential catastrophic engine failure of the Class Vehicles. Plaintiff further alleges that the water pump failure is due to the sealed two roll ball bearing system installed in the mechanical water pumps ("Water Pump Defect") (Docket No. 58-5, Fourth Amended Complaint ["FAC"] ¶¶ 4-8.)

Plaintiff and BMW settled the nationwide class claims and the court granted preliminary approval of the settlement on March 18, 2016. As part of the settlement, BMW has agreed to reimburse all class members who have, or will, incur costs in connection with repairing or replacing failed mechanical water pumps. BMW's obligations are based upon the payment and reimbursement provisions of the Agreement, more fully described below and in the Agreement attached as exhibit 1. (See, Exhibit 1 to Harris Declaration).

Plaintiff now moves for final approval of the settlement. The settlement provides Class Members with remedies similar to what they could expect to receive if the case were successfully tried, but without the delay and risks associated with trial, and it should therefore be approved.

The claims administrator mailed notice to 594,091 potential class members, and states that there have been to date 4,883 claims which have been received, with 2,141 found to be in good order to pay. These 2,141 claims have an award value of \$1,006,931.20. There are 2,741 claims which are not yet deemed in good order. The value of these claims, assuming a claim value of 470.31, is \$1,289,116.49. To date,